

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TK POWER, INC.,

No. C-04-5098 EMC

Plaintiff,

v.

**FURTHER PRETRIAL ORDER**

TEXTRON, INC.,

Defendant.

A further pretrial conference was held on May 3, 2006. The Court orders as follows.

1. Each of the parties shall be given 14 (rather than 12) hours to present their evidence. The parties shall be prepared to select a jury, give opening statements and Plaintiff TK Power shall be prepared to present its first witness on Monday, May 8, 2006.

2. Textron may not use late-produced documents as previously ordered. TK Power may, but if it does, the door will be open for Textron to use any such document introduced by TK Power. No additional discovery on these documents shall be permitted.

3. The supplemental expert report of Benoit is out of time and is stricken. Benoit's testimony at trial will be limited to those expert reports (opening and rebuttal if any) timely disclosed. Although the Court leaves open the issue of his testifying in rebuttal after Defendant's case, the Court notes that under the Case Management Order governing this case, TK Power had an opportunity to disclose rebuttal

1 expert reports 14 days after Textron disclosed its expert reports. The Court will not look favorably on  
2 any belated attempt to reopen that process and disregard the deadlines and sequences set forth in this  
3 Court's previous order.

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5 4. The depositions of Fleer and Gibbons on the April 2006 testing shall take place on May 4, or 5, or  
6 on the afternoon/evening before their scheduled testimony at trial.

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8 IT IS SO ORDERED.

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10 Dated: May 4, 2006

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EDWARD M. CHEN  
United States Magistrate Judge